

### **REMARKS**

This responds to the Office Action mailed on October 18, 2006.

Claims 1, 9, 13, 21 and 22 are amended while no claims are added or canceled. As a result, claims 1-22 remain pending in this application.

#### **§112 Rejection of the Claims**

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 22 has been amended as requested by the Examiner.

#### **§102 Rejection of the Claims**

Claims 1, 5, 7-9, 13, 17, and 19-21 were rejected under 35 U.S.C. § 102(b) for anticipation by Lee et al. (U.S. Patent No. 5,663,950).

The Examiner stated that Lee discloses connecting each interface such that every workstation is "either directly or indirectly connected to both reconfiguration units." Applicant has amended the claims to make it clear that the connection claimed is a direct connection. Reconsideration of claims 1-22 is respectfully requested.

In addition, Applicant describes, and claims in claims 8-12 and 20, "in the event the number of nodes is odd, connecting a pair of optical fibers between said first concentrator and said second concentrator in lieu of a node." Lee does not show replacing a node with a pair of optical fibers as described and claimed by Applicant.

#### **§103 Rejection of the Claims**

Claims 2-4, 6, 10-12, 14-16, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 5,663,950) in view of Enhanced Intelligent Protection Switching (E-IPS), Cisco Systems White Paper, (2000).

Applicant respectfully submits that claims 2-4, 6, 10-12, 14-16, and 18 are dependent on allowable claims and that neither Lee nor E-IPS, alone or in combination, disclose the system or method described by Applicant and claimed in claims 1-22. Reconsideration is respectfully requested.

Allowable Subject Matter

Claim 22 was indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action.

**Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

NIR BEN-DVORA ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6909

Date

January 18, 2007

By

Thomas F. Brennan

Thomas F. Brennan  
Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18<sup>th</sup> day of January 2007.

JONATHAN FERGINSON

Name

Jonathan Ferguson

Signature